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## NOTICE OF ALLOWANCE AND FEE(S) DUE

66945 7590 06/25/2010

TOWNSEND AND TOWNSEND CREW LLP  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

PARikh, HARSHAD R

ART UNIT

PAPER NUMBER

3687

DATE MAILED: 06/25/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,508	09/30/2003	Nicholas Shifman	16222U-015510US	8563

TITLE OF INVENTION: METHOD AND APPARATUS FOR MANAGEMENT OF ELECTRONIC RECEIPTS ON PORTABLE DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/27/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** (571) 273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

66945 7590 06/25/2010

**TOWNSEND AND TOWNSEND CREW LLP**  
**TWO EMBARCADERO CENTER, 8TH FLOOR**  
**SAN FRANCISCO, CA 94111**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or by facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,508	09/30/2003	Nicholas Shifman	16222U-015510US	8563

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/27/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
PARIKH, HARSHAD R	3687	705-028000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies \_\_\_\_\_

- A check is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/676,508	09/30/2003	Nicholas Shiftan	16222U-015510US	8563
66945	7590	06/25/2010		
TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111				EXAMINER
				PARIKH, HARSHAD R
ART UNIT		PAPER NUMBER		
3687		DATE MAILED: 06/25/2010		

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1171 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1171 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b> 10/676,508	<b>Applicant(s)</b> SHIFTAN ET AL.
	<b>Examiner</b> HARSHAD PARIKH	<b>Art Unit</b> 3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to March 19, 2010.

2.  The allowed claim(s) is/are 87,88,91,96,98,99,112,114,128,177,178,180,181,186-190 and 192-199.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>Feb 5, 2010</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date ____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other ____.</li> </ol>
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/Matthew S Gart/  
Supervisory Patent Examiner, Art Unit 3687

### **DETAILED ACTION**

This Office action responds to the amendment and arguments filed by applicant on March 19, 2010 in reply to the previous Office action on the merits, mailed Oct 15, 2009.

#### **Prosecution History Summary**

- Claims 87-88 (2), 91 (1), 95-99 (5), 101-102 (2), 112 (1), 114 (1), 128-131 (4) and 175-191 (17) were pending before this amendment. (Total 33 claims)
- Claims 95, 97, 101-102, 129-131, 175-176, 179, 182-185 and 191 are "cancelled" (withdrawn). (Total 15 claims cancelled)
- Hence, claims 87-88, 91, 96, 98-99, 112, 114, 128, 177-178, 180-181, 186-190 are pending. (Total 18 claims)
- New claims 192-199 are "added". (Total 8 claims added)
- Hence, claims 87-88, 91, 96, 98-99, 112, 114, 128, 177-178, 180-181, 186-190 and 192-199 are pending in the instant application. (Total 26 claims)
- Claims 87-88, 91, 96, 98-99 and 177 are "Amended". (Total 7 claims)

#### ***Response to Amendment***

The cancellation of claims 95, 97, 101-102, 129-131, 175-176, 179, 182-185 and 191 by applicant, in the reply filed on March 19, 2010 is hereby acknowledged.

The addition of new claims 192-199 by applicant, in the reply filed on March 19, 2010 is hereby acknowledged.

The amendment of claims 87-88, 91, 96, 98-99 and 177 by applicant, in the reply filed on March 19, 2010 is hereby acknowledged.

***Allowance***

Claims 87-88, 91, 96, 98-99, 112, 114, 128, 177-178, 180-181, 186-190 and 192-199 are allowed.

Applicant's arguments, remarks and amendments filed on March 19, 2010 were considered and they are persuasive.

***REASONS FOR ALLOWANCE***

The following is an examiner's statement of reasons for allowance:

**Independent claim 87** recites a system comprising, *inter alia*,  
wherein the point of sale device generates the electronic receipt **without**  
**needing to retrieve additional information from the receipt administration system**  
to generate the electronic receipt using the transaction dependent select policy of the  
plurality of electronic receipt policies, **and wherein information from the local**  
**electronic receipt database and the local electronic receipt activity log is exported**  
**to the receipt administration system at predetermined time intervals.**

Pitroda et al. (US 5,590,038), discloses a universal electronic transaction card ("UET card") capable of serving as a number of different credit cards, bank cards, identification cards, employee cards, medical cards and the like. The UET card includes information storage elements, an input interface, a processor, a display, and a

communications interface. The user presents the UET card to the point of sales terminal for a sales transaction. After proper verification with the main computer of the service provider, the sales transaction information is transferred and stored in the UET card by the point of sales terminal to eliminate paper receipts and facilitate future storage, verification and analysis for billing, budgeting and financial management and using a home or office personal computer or other facilities. The invention also includes a system of issuing account authorization to a UET card, a system of transferring transactional and account information between a UET card and a personal computer or mainframe computer, a system of using the UET card as a remote terminal for a mainframe computer, and a system of conducting an electronic transaction.

Marshall et al. (US 2003/0055733 A1), teaches memorialization of commercial transactions via an electronic receipt including establishing a connection between a mobile device and an electronic receipt terminal, and transmitting an electronic receipt of a commercial transaction from the electronic receipt terminal to the mobile device.

Himmel et al. (US 6,898,598), teaches an invention for processing electronic receipts within a computer network are provided. The present invention comprises creating a customer profile for a user using a Smart Receipt application. When the user purchases items, electronic receipts (smart receipts) are sent from the point of sale to a designated database. The database may be on a credit card company server, the product manufacturer's server, a special cash receipts server, or a central clearing house server. When the customer wants a copy of a receipt, he or she enters search parameters which specify the desired receipt. The search parameters may include item

type, date of purchase, and method of purchase. A Smart Receipt object is then initiated, which retrieves the specified electronic receipt from the appropriate database, according to the search parameters. A copy of the retrieved electronic receipt is then downloaded to a client machine (e.g. PDA, PC) designated by the customer profile.

Smith et al. (US 6,487,540 B1), teaches an invention relate to systems, methods and apparatus for the generation, transmission, storage and manipulation of electronic receipts which communicate itemized purchase transaction information. Preferred embodiments comprise wireless vendor devices and wireless purchaser devices which transmit electronic receipts at a point-of-sale for documentation of a purchase transaction. Further processing of the electronic receipt information may be performed with a purchaser device or with a secondary computing device after subsequent receipt transmission to that secondary device.

However, Pitroda, Marshall, Himmell and Smith fail to disclose the limitation wherein the point of sale device generates the electronic receipt **without needing to retrieve additional information from the receipt administration system** to generate the electronic receipt using the transaction dependent select policy of the plurality of electronic receipt policies, **and wherein information from the local electronic receipt database and the local electronic receipt activity log is exported to the receipt administration system at predetermined time intervals.**

Furthermore, neither the prior art, the nature of the system, nor knowledge of a person having ordinary skill in the art, provide any reasonable rationale to combine prior art teachings.

Independent claim 177 contains similar limitations as set forth in claim 87 and is therefore patentable over the prior art based on the same rationale.

The dependent claims are allowable over the prior art based on the dependence on one of the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARSHAD PARIKH whose telephone number is (571)270-5468. The examiner can normally be reached on Monday through Thursday 9 AM-5 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HRP/  
June 14, 2010

/Matthew S Gart/  
Supervisory Patent Examiner, Art Unit 3687

Application/Control Number: 10/676,508

Art Unit: 3687

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